

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4233

IN THE MATTER OF:

Served January 12, 1994

Application of MADHU SUDAN,)
Trading as CAPITAL CITY SIGHTS,)
for a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-93-35

By application accepted for filing November 17, 1993, Madhu Sudan, trading as Capital City Sights (CCS or applicant), a sole proprietor, seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

Notice of this application was served on November 19, 1993, in Order No. 4209, and CCS was directed to publish further notice in a newspaper and file an affidavit of publication and additional financial statements. CCS complied. The application is unopposed.

SUMMARY OF EVIDENCE

CCS's application includes information regarding, among other things, its facilities, proposed tariff, finances, and regulatory compliance record.

CCS proposes to commence operations with a 15-passenger van. CCS's proposed tariff contains per capita rates for tours conducted in DC and VA.

Applicant certifies that he has access to, is familiar with, and will comply with the Compact, the Commission's rules and regulations, and United States Department of Transportation regulations relating to transportation of passengers for hire.

Applicant filed a balance sheet as of June 30, 1993, showing current assets of \$3,521; net fixed assets of \$7,835; and equity of \$11,356. Applicant's operating statement for the twelve months ended June 30, 1993, shows operating income of \$41,212; operating expenses of \$36,538; and net income of \$4,674. Applicant's projected operating statement for the first twelve months of WMATC operations shows WMATC operating income of \$25,000; other operating income of \$25,000; operating expenses of \$38,000; and net income of \$12,000.

It is certified that neither CCS nor any person controlling, controlled by, or under common control with CCS has any control relationship with a carrier other than CCS.

Applicant has filed five sworn affidavits and one unsworn affidavit in support of the application.

DISCUSSION AND CONCLUSION

This case is governed by the Compact, Title II, Article XI, Section 7(a), which provides in relevant part that:

. . . the Commission shall issue a certificate to any qualified applicant . . . if it finds that --

(i) the applicant is fit, willing, and able to perform [the] transportation properly, conform to the provisions of this Act, and conform to the rules, regulations, and requirements of the Commission; and

(ii) that the transportation is consistent with the public interest.

Applicant previously operated under Certificate of Authority No. 145 using the trade name City Sights. Certificate No. 145 was revoked in 1991 for City Sights's noncompliance with the Commission's insurance requirements.¹ Applicant's representative explains that applicant allowed the insurance policy to lapse when premiums for WMATC operations became cost prohibitive. Applicant's representative further explains that insurance premiums for WMATC operations have decreased to the point where applicant finds them affordable again.

Based on the evidence in this record, the Commission finds CCS to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements. The Commission further finds that the proposed transportation is consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That Madhu Sudan, trading as Capital City Sights, 14 Nickelby Court, Damascus, MD 20872, is hereby conditionally granted, contingent upon timely compliance with the requirements of this order, authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

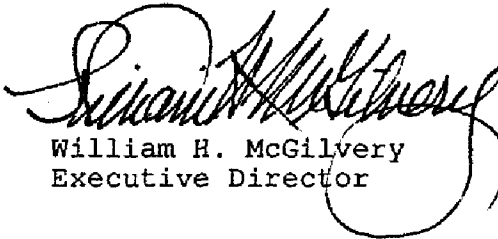
2. That Madhu Sudan, trading as Capital City Sights, is hereby directed to file the following documents with the Commission: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia; and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 145 is hereby reassigned.

¹ In re Madhu Sudan, t/a City Sights, No. MP-91-01, Order No. 3689 (Apr. 19, 1991).

3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the documents required by the Commission, Certificate of Authority No. 145. shall be reissued to Madhu Sudan, trading as Capital City Sights.

4. That unless Madhu Sudan, trading as Capital City Sights, complies with the requirements of this order within 30 days from the date of its issuance, or such additional time as the Commission may direct or allow, the grant of authority herein shall be void and the application shall stand denied in its entirety effective upon the expiration of said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS DAVENPORT, SCHIFTER, AND SHANNON:



William H. McGilvery
Executive Director